

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT TORRICELLI and ELISE LELON, :  
:  
Plaintiffs, :  
:  
-against- : 23-CV-9176 (VEC)  
:  
VB ASSET MANAGEMENT, LLC and : ORDER  
VISCOGLIOSI BROTHERS, LLC, :  
:  
Defendants. :  
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 22, 2023, Defendant Viscogliosi Brothers, LLC filed a motion to dismiss, Dkt. 22; and

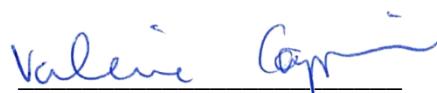
WHEREAS on January 12, 2024, Plaintiff filed the Second Amended Complaint in lieu of filing a response brief, Dkt. 26;

IT IS HEREBY ORDERED that the Defendant's motion to dismiss is DENIED as moot. Not later than **Friday, February 2, 2024**, Defendant must either file an answer to the Second Amended Complaint or move to dismiss the Second Amended Complaint.

The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 22.

**SO ORDERED.**

Date: **January 16, 2024**  
New York, New York

  
Valerie Caproni  
**VALERIE CAPRONI**  
**United States District Judge**